

DECLARATION, POWER OF ATTORNEY AND STATEMENT CLAIMING SMALL ENTITY STATUS

We, Steven P. DenBaars, Eric J. Tarsa, Michael Mack, Bernd Keller and Brian Thibeault, declare: We are citizens of the United States of America, residing at Goleta, California; Goleta, California; Santa Barbara, California; Goleta California and Santa Barbara, California, respectively. We believe we are the original, first and joint inventors of the invention entitled "MULTIPLE ELEMENT, MULTIPLE COLOR SOLID STATE LED" described and claimed in the attached specification. We have reviewed and understand the contents of the specification, including the claims. We acknowledge a duty to disclose information of which we are aware that is material to the examination of this application in accordance with 37 C.F.R. §1.56(a).

SMALL ENTITY STATUS STATEMENT

We further declare that we qualify as independent inventors as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b) to the Patent and Trademark Office with regard to this invention.

We have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(e).

We acknowledge the duty to file, in this application or the patent issuing on this application, notification of any change in status resulting in loss of entitlement to small entity status before paying or at the time of paying the earliest of: (1) the issue fee or (2) any maintenance fee, which is due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of this application or any patent issuing from this application.

POWER OF ATTORNEY

We hereby appoint Jaye G. Heybl (Reg. No. 42,661) and Richard S. Koppel (Reg. No. 26,475) and whose address is:

KOPPEL & JACOBS
555 St. Charles Drive, Suite 107
Thousand Oaks, California 91360
Telephone (805) 373-0060

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected with the application.

Wherefore, we subscribe our names to the foregoing specification, claims and declaration.

09526262, 031700

Date: 12-28, 1999

Steven P. DenBaars
Steven P. DenBaars

Post Office Address:

6266 Marlborough Drive
Goleta, California 93101

Date: 5 Jan 00, 1999

Eric J. Tarsa
Eric J. Tarsa

Post Office Address:

105 Dearborn Place, #41
Goleta, California 93117

Date: 1/5/00, 1999

Michael Mack
Michael Mack

Post Office Address:

1109 Luneta Plaza
Santa Barbara, California 93109

Date: 1/5/00, 1999

Bernd Keller
Bernd Keller

Post Office Address:

6174 Santa Marguerita Way
Goleta, California 93117

Date: 12-29, 1999

Brian Thibeault
Brian Thibeault

Post Office Address:

1914 Cleveland Avenue
Santa Barbara, California 93101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: STEVEN P. DENBAARS, ERIC TARSA, MICHAEL MACK, BERND KELLER
AND BRIAN THIBEAULT

Title: MULTIPLE ELEMENT, MULTIPLE COLOR SOLID STATE LED/LASER

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS

I, FRED BLUM, declare: I am the Chief Executive Officer of NITRES, INC. and am authorized to make this Statement. NITRES, INC. qualifies as a small business concern as defined in 13 C.F.R. §121.3-18, and reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under 35 U.S.C. §41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average, over the previous fiscal year of the concern, of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

All rights under contract or law have been conveyed to and remain with NITRES, INC. with regard to the invention entitled "MULTIPLE ELEMENT, MULTIPLE COLOR SOLID STATE LED/LASER", which is Docket No. 585-27-009 in the files of NITRES, INC. 's lawyers KOPPEL & JACOBS. The application is filed with this Statement.

NITRES, INC. acknowledges the duty to file, in this application or the patent issuing on this application, notification of any change in status resulting in loss of entitlement to small entity status before paying, or at the time of paying, the earliest of the issue fee or any maintenance fee which is due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b)).

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing from this application.

Date: 12/27/99



FRED BLUM
Chief Executive Officer
NITRES, INC.
107 South La Patera Lane
Goleta, California 93117